# Q & A EC Directors' Webinar February 3, 2015

#### **Related Services**

1. Can students with a 504 plan receive related services (OT, Speech, and PT)? Who is supposed to pay for these services?

Yes, related services can be provided to students with a Section 504 plan, if they meet eligibility criteria. The LEA would be responsible for funding the services; however, EC funding sources should not be used.

### **PRC 029**

2. Would you provide clarity regarding PRC 029 Validation Visits and the role of the new budget consultant vs. our current PRC 029 regional consultant?

With the re-organization of the Behavior Support Section the Regional Consultants (BSS) perform dual roles (PBIS/PRC 29). The Regional Consultant will collaborate with the Budget Consultant to make a determination regarding the validation and the budget process.

# **School Psychologist Evaluations**

3. Is there any way to advocate for School Psychologists not to be a part of NCEES? With the required three to four observations and all the data entry, it is very hard for EC Directors to meet those requirements.

The North Carolina Educator Effectiveness System (NCEES) and True North Logic (TNL) provide the platform for the North Carolina School Psychologist Evaluation Process which was developed with a team of school psychologist across the state. Although the pilot was limited in the observation process, this instrument is the currently approved policy of the State Board of Education. Based upon the memo dated July 21, 2014, NCDPI request districts conduct full observations on the employee groups for 2014-15 school year and submit your concerns to Lynne Johnson or Tom Tomberlin. The NCEES memo will be posted to the website.

4. Am I correct that a school psychologist who in contracted, but not an employee of the LEA, is not required to be evaluated through NCEES?

Yes, since contracted school psychologist is not employees of the LEA, you are not required to evaluate them.

# **Long Term Suspensions**

- 5. If a high school student is long-term suspended or expelled (following a MDR, showing no relation to the disability), should EC services become modified to only address the specific skill deficits and to meet the IEP goals or should the services also allow the student to continue to progress in the general curriculum toward course credit attainment?

  NC 1504-2 Discipline Procedures
  - (c) Additional authority. For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability pursuant to paragraph (e) of this section, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except as provided in paragraph (d) of this section.

    (d) Services.

- (1) A child with a disability who is removed from the child's current placement pursuant to paragraphs (c) or (g) of this section must--
  - (i) Continue to receive educational services, as provided in NC 1501-1.1(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
  - (ii) Receive, as appropriate, a functional behavioral assessment, and behavioral

intervention services and modifications that are designed to address the behavior violation so that it does not recur. If a behavioral intervention plan already has been developed, it must be reviewed and modified, as necessary, to address the behavior.

### OCS

6. Are we still under the OCS competitive employment hours waiver for the 14-15 school year? Will we get a memo?

The Exceptional Children Division began the 2014-15 school year with the state unemployment rate above 6%. The paid employment substitution waiver will continue to remain in effect for the school year of 2014-15. LEAs should continue to maintain documentation of their attempts to help student's secure paid employment.

#### **Communication Plan Worksheet**

- 7. For middle / high school students who exited speech, must we establish a new baseline and request testing with the DEC 7 and DEC 2 to complete the Worksheet?
  - Do we use information from speech exit and EOC scores and NC Final Exams (NCFE) scores?
  - Can we use grades for core classes (i.e. English I)?
  - What types of informal assessments for language would you suggest for middle / high school students?

If the student has been exited from speech/language services and has no language and/or vocabulary goals on the IEP, information from assessments that are required for all students such as EOGs, EOCs, benchmark testing, teacher made assessments and the like may be used as data sources.

The Communication Plan Worksheet previously was not required but strongly recommended. It became required as a result of Session Law 2013-119 House Bill 317, effective June 19th, 2013. Grades for core classes such as English I would be one data source to be used when completing the Communication Plan Worksheet.

Informal assessment provides the IEP Team with information about how the student understands and uses language functionally. These informal measures provide a look into the student's semantic and syntactical use of language and vocabulary. A writing sample would be an excellent source of informal assessment data along with documentation of conversational fluency with peers and adults. A formal language sample calculating the mean length of utterance is also appropriate and very valuable. Other forms of informal assessment data could include use of the guides for typical language development including the Cottage Acquisition Scales for Listening, Language and Speech and the Bloom and Lahey model. DPI in conjunction with other agencies provides free training on use of these guides. Please contact your regional consultant for further information on these free trainings.

- 8. Would you review information to help us understand functional language age? Does the students' cognitive skills (IQ) affect their functional language age? Functional language age refers to how well a student understands and uses language on a daily basis and in different conversational contexts. Children with hearing loss who have an IEP often lag behind their peers in the development of language skills which can be due to a variety of factors and has a significant impact on the development of literacy skills. Guides for monitoring language development, such as the ones mentioned previously, help teachers and parents pinpoint where a student has gaps in language development so that appropriate goals can be developed, taught in the appropriate sequence, and monitor progress. Yes, cognitive ability can affect a student's functional language age/level.
- 9. Could *Classworks* be used as formal/informal testing?

Based on a basic understanding of Classworks, information gained from this tool could be used as a potential data source.

10. Since we are now getting a base line and progress monitoring annually, would we do another DEC 7 and DEC 2 for speech/language evaluation at the next three year reevaluation?

It would be an IEP Team decision, based on a review of the existing data, to identify what additional data, if any, are needed to determine the components outlined in NC Policy 1503-2.6 Additional Requirements for Evaluations and Reevaluations.

11. If a parent doesn't want speech testing and will not sign the DEC 2, how will that affect the CPW? If a student is 18 years old and does not want to sign a DEC 2 what do we do?

If a student with a documented hearing loss has an IEP, by law, the Communication Plan Worksheet must be completed. If the student has language and/or vocabulary goals on the IEP, a September 2013 memo from the EC Division outlines the process for documenting how formal and informal assessment data can be used for progress monitoring without initiating the reevaluation process. If the student does not have language and/or vocabulary goals on the IEP, the assessments that all students participate in should be used as data sources when completing the Communication Plan Worksheet.

12. What is the responsibility of the LEA for the CPW with students who are Deaf/Hard of Hearing but are not identified as needing special education and do not have an IEP?

The Communication Plan Worksheet is a required part of the IEP process. Students with hearing loss that do not have an IEP are not required to have a Communication Plan Worksheet completed.

13. We have an HI student who was withdrawn in December to go out of the country. Do we need to have a CPW for him even though he is gone?

If the student reenrolls in your school district upon his return, a CPW would need to be completed at the IEP meeting. The CPW is not a stand-alone document but is a part of the IEP process

14. Will there be additional opportunities to have the Communication Worksheet training?

Our Consultants for Deaf/Hard of Hearing are reviewing attendance records from the trainings that were completed in December and January to help determine additional training needs. Our plan is to offer additional trainings for the Communication Plan Worksheet until all LEAs,

including charter schools, are trained on its use. Please contact your regional consultant for deaf/hard of hearing if you have an immediate need for training.

### Schools for the Deaf

15. How do we address inviting representatives from the Schools for the Deaf to IEP meetings when parents make this request? Do the Schools for the Deaf has a plan to be able to attend and how will they communicate this to us?

We are working on a plan for how the residential schools can attend. In the meantime, contact your regional consultant for deaf/hard of hearing to help facilitate the opportunity should the need arise.

### **Parentally Placed Children in Private Schools**

16. If an initial referral was completed and eligibility determined is it necessary to develop an IEP if the parent's are not intending to enroll the child in public school?

Yes, an IEP must be developed in order for the parents to understand the offer of FAPE and what they will be rejecting by attending private school. If the parents do not wish to accept the IEP, then the parent will not provide consent for services, the IEP is not initiated, and the LEA has met its obligation to make the offer of FAPE.

17. If a family chooses to enroll their student in a private school for the afternoon but attend the public school to the extent that meets enrollment requirements, is this a rejection of FAPE that ends in a revocation of consent for services?

Not necessarily. LEAs should be very careful in generalizing the Memo related to revocation of consent for services to unrelated situations.

If a student attends public school and meets enrollment and attendance requirements, the parent has the right to check their child out after the daily attendance requirement is met and enroll them in a private school in the afternoon.

The LEA is still responsible for providing FAPE and must ensure that the services are provided during the time the students attends the LEA. The LEA must not compromise the offer of FAPE by assuming that the private school will be providing those services.

18. Can you expand on the information about parentally placed children in private school? IEP v. Service Plan?

Yes. The various scenarios listed in the question above will be addressed in writing through an ECD memo.

19. The information provided on the development of the IEP for parents intending to keep their child in the private school is different than what LEAs have received in the past, as recent as 8 months ago. Will we receive this information in writing?

There are multiple scenarios to consider here. One relates to the legislation regarding EC scholarships for private school students and reevaluation requirements (which is unrelated to requirements set forth by federal and state EC regulations); a second relates to the "provision" of FAPE in a Q&A from OSEP in 2011; and the third is related to the "offer" of FAPE that was referenced during the webinar to inform parents of the composition of FAPE.

Since this presents a lengthy task for clarification, an update in writing will be provided.

#### SIP

20. What was the date of the State Improvement Project (SIP) Network meeting memo?

The memo regarding the NC SIP Spring Network Meeting will go out to the participating LEAs, Charter Schools and IHE grant recipients. Special guests may be invited by the consultants.

#### **March Institute**

21. When was the memo sent, and is a copy of that memo available on the EC Division website? Can we register for the Institute with a credit card or does it have to be by check?

The memo was sent from the EC Division on January 28, 2015 to all EC Directors and Charter School Coordinators and the information is posted on the EC Division website. NC DPI does not accept credit cards as payment. Checks are to be submitted to the address in the memo.

# **Speech Services**

22. If a child is receiving Speech services from outside agency, should our LEA provide it to the child during school hours? Should the child be referred to EC to receive services from the school's therapist?

If the IEP team determines that Speech services are required, the LEA must provide the service. Therefore, the LEA would provide speech services during the school hours. The LEA cannot ensure that the outside agency is delivering speech services to the level required to ensure FAPE, since private providers are under no obligation to meet this standard. If the LEA compromises its offer of FAPE, based on the fact that the student is receiving it privately, then the LEA is vulnerable for not meeting its obligation to provide FAPE based on the student's unique needs.

The IEP team should meet to discuss the student's unique needs. Keep in mind the IEP team must consider a variety of data to determine if speech services are required. Just because a student receives this service privately, does not automatically mean service is required through the LEA. This is an important decision that rests with the IEP team and good data. Follow the process for reviewing and revising IEPs and reevaluation, if applicable.

# **Summary of Performance**

23. Can the summary of performance document be completed at the last annual IEP meeting or does it need to take place the last thirty days of school?

The intent of the SOP is to gather student data that encompasses the student's entire high school experience. Therefore, the most appropriate time to complete this document would be as close to the school exit date as possible.

### Students who are Incarcerated

- 24. If an EC student, who is from another LEA, is jailed in your local jail. What is the process of delivering services to the student?
  - (a) Children with disabilities in adult prisons. [NC 1503-5.1]

- (1) Requirements that do not apply. The following requirements do not apply to children with disabilities who are convicted as adults under State law and incarcerated adult prisons:
  - (1) The requirements contained in section 612(a)(16) of the IDEA and NC 1503-4.1(a)(6) (relating to participation of children with disabilities in general assessments).
  - (ii) The requirements in NC 1502-4.1(b) (relating to transition planning and transition services) do not apply with respect to the children whose eligibility under Part B of the IDEA will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.
- (2) Modifications of IEP or placement.
  - (i) Subject to paragraph (d)(2)(ii) of this section, the IEP Team of a child with a disability who is convicted as an adult under State law and incarcerated in an adult prison may modify the child's IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.
  - (ii) The requirements of NC 1503-4.1 (relating to IEPs), and NC 1501-2.10 (relating to LRE), do not apply with respect to the modifications described in paragraph (d)(2)(i) of this section.

An IEP team (composed of the required members of the LEA in which the jail is located and a representative from the student's previous LEA) should meet to review the services required by the student's IEP. The visitation policy of the local jail will also have to be considered. An IEP team could consider a revision to the IEP considering the student's unique needs during this time period and the amount of access the LEA is permitted to have to the student.

#### **New IEP Forms**

25. Will the forms also keep the test grid page format?

The IEP Forms workgroup is still working on recommendations for all IEP and EC related forms.

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